

Remarks

Claims 1-65 are pending in the present application. Claims 39 and 46-65 have been withdrawn from consideration.

The Examiner has also rejected claims 1-6, 20, 21, 27, 32, 44 and 45 under 35 USC 102(b) as being anticipated by US Patent 5,590,624 to Emond et al. (hereinafter Emond). It is respectfully submitted that independent claims 1, 27, 32 and 44, as amended, now distinguish over Emond. More particularly, the independent claims as amended require that the diverting surfaces be disposed at an angle to the axis of a fan so as to closely match the natural discharge angle of the fan, wherein the fan has blades having a natural radial discharge component wherein air being discharged by blades is expelled generally radially. Emond does not contemplate such a structure. In Edmond the fan 48 is an axial or mixed flow fan and the diffuser 65 and noise barrier 46 serve to impart a radial velocity to the air discharging from the fan (see column 3, lines 30-67). The air being discharged by the blades of Emond is expelled axially and the diffuser changes the angle to a more radial discharge. Accordingly, the diverting surfaces of Edmond are not disposed an angle to the fan axis that closely matches the natural generally radial discharge angle of the fan blades as claimed. It is therefore submitted that claims 1, 27, 32 and 44 as well as the claims that depend therefrom are patentably distinct from Emond.

The Examiner has also rejected claims 27, 29 and 31 under 35 USC 102(e) as being anticipated by US Published Patent Application 2003/0136544 to Albright et al. (hereinafter Albright). It is respectfully submitted that independent claim 27 distinguishes over Albright. More particularly, claim 27 has now been amended to requires that the diverting surface extends from the circumferential wall at an angle generally radial to the axis of a fan when the fan is disposed in the fan aperture. This is not the case in Albright. It is therefore submitted that claim 27 as well as the claims that depend therefrom are patentably distinct from Albright.

The Examiner has also rejected claims 7 - 14, 16, 17, 22 - 24, 26, 28, 30, 34 - 36, 38, 40 and 43 under 35 USC 103(a) as being unpatentable over Emond or

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Albright in view of various references. For the reasons set forth above with respect to the independent claims and the Emond and Albright references it is submitted that claims 7 - 14, 16, 17, 22 - 24, 26, 28, 30, 34 - 36, 38, 40 and 43 are also in condition for allowance.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Should the Examiner believe that a telephonic conference would be useful in furthering the present application toward allowance, the undersigned attorney would welcome such a call.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525.

Respectfully,

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